

(49)

00-*2*-0171

Entered - 11/19/99 - sb  
CL99L0766 - DIANNE C. MITCHELL

CLAIM OF: VICKIE BOOTH,  
through her attorney,  
Robin N. Loeb  
3151 Maple Drive, NE  
Atlanta, Georgia 30305

For damages alleged to have been sustained as a  
result of civil rights violations at the Atlanta  
Airport on May 23, 1999.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT

*Public Safety*

*2/15/2000*

*V- Vicki Booth*

*Shirley Jones*

*William D. Jones*

*City Clerk*

*Doris Hall*

ADVERSED BY  
CITY COUNCIL FEB 21 2000

CERTIFIED  
FEB 21 2000  
*John M. Spawns*  
COUNCIL PRESIDENT PROTEM

CERTIFIED  
FEB 21 2000  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 28, 2000

Robin N. Loeb  
Attorney at Law  
3151 Maple Drive, NE  
Atlanta, GA 30305

00-R-0171

RE: Vickie Booth

Dear Attorney Loeb:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0766

Date: January 28, 2000

Claimant /Victim VICKIE BOOTH  
BY: (Atty) Robin N. Loeb  
Address: 3151 Maple Drive, NE, Atlanta, Georgia 30305  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ not stated  
Date of Notice: 11/16/99 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/23/99 Place: Atlanta Airport  
Department Police Bureau:            Division             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that her civil rights were violated when she arrested by police after being removed from an airplane. The City is immune from liability as set forth in O.C.G.A. §§36-33-1 & 36-33-3.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

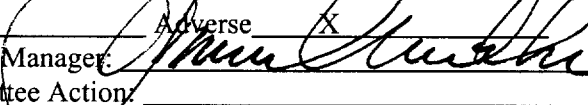
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 01-28-00  
Committee Action:            Council Action

Mitchell  
11/17/99  
on

LAW OFFICES  
**FELLOWS JOHNSON & LA BRIOLA, LLP**

---

*Peachtree Center  
Suite 2300 South Tower  
225 Peachtree Street, N.E.* **ENTERED - 11-19-99 - SB**  
*Atlanta, Georgia 30303* **99L0766 - DIANNE MITCHELL**

Stephen T. La Briola  
slabriola@fjl-law.com

*Telephone (404) 586-9200  
Facsimile (404) 586-9201*

Writer's Direct Dial Number  
(404) 586-2020

November 15, 1999

**VIA HAND DELIVERY**

Beverly J. Harvard  
Chief of Police  
Atlanta Police Department  
675 Ponce de Leon Avenue  
Atlanta, Georgia 30338

Mr. Bill Campbell  
Mayor of the City of Atlanta  
55 Trinity Avenue, Suite 2400  
Atlanta, Georgia 30335

Robb Pitts  
President  
Atlanta City Council  
55 Trinity Avenue, S.W., Suite 2900  
Atlanta, GA 30335

Re: Anti Litem Notice of a Claim on Behalf of Vickie Boothe

Dear Madam/Sirs:

We contact you on behalf of our client, Vickie Boothe to advise the City of Atlanta and the Atlanta Police Department of claims Ms. Booth intends to file against both entities. This letter is intended to serve as the Anti Litem Notice of Ms. Boothe's claims in accordance with O.C.G.A. § 36-33-5(b) as well as a demand for damages based on the conduct described below.

Ms. Boothe's claims against the City of Atlanta and the Atlanta Police Department are based on an incident which occurred on May 23, 1999, involving Ms. Boothe and officers of the Atlanta Police Department. The incident took place at Atlanta's Hartsfield Airport at the boarding gate for Airtrans Flight No. 916 to Washington, D.C.

Ms. Boothe is a 45-year-old woman who works as an environmental engineer with the Environmental Protection Agency ("EPA"). She has been with the EPA for 13 years. Ms. Boothe has never before been arrested or charged with any crime.

Ms. Boothe had been in Atlanta checking on the possibility of relocating to this area and visiting her daughter who was at the time 8 1/2 months pregnant. The incident occurred while she was boarding her return flight to Washington D.C.

During the boarding process for her flight, Ms. Boothe sought assistance from Airtrans' employees because another passenger was occupying her seat. Ms. Boothe had been properly issued a ticket and a boarding pass for the subject Airtrans flight.

Almost immediately after requesting assistance from a flight attendant, another member of the Airtrans staff requested Ms. Boothe step off the airplane into the jetway. She complied. For unknown reasons, the Airtrans' employee told Ms. Boothe she would need to board a subsequent flight. When Ms. Boothe stated that she had a valid boarding pass and couldn't miss this flight, the Airtrans' employee stated he would call the Atlanta Police Department if she did not return to the gate area inside the airport.

While Ms. Boothe was speaking with the Airtrans employee in the jetway just outside the entrance to the aircraft, Officer T. King, without making any statements or identifying himself, grabbed Ms. Boothe from behind and pulled her out of the jetway door leading to the tarmac. As a result of the manner by which Officer King dragged Ms. Boothe, she fell down the metal steps to the tarmac, cutting her eyebrow and causing other significant injuries.

When she reached the base of the stairway, a female officer took her purse and bag from her. Officer T. King then handcuffed Ms. Boothe and put her in a police car. At this point neither officer had spoken a word to Ms. Boothe. She was then taken to a police station within the Hartsfield Airport facility.

Upon arrival at the police station, Ms. Boothe asked to make a phone call but her request was not addressed. She repeatedly requested to make a phone call to notify her family of her whereabouts, however, these requests again were not addressed while she was detained at the airport police station. Furthermore, upon her repeated requests for a phone call, two officers entered the room where she was being held and without any explanation bound Ms. Boothe's hands to her ankles with flex-cuffs. When she attempted to stand up, she fell on her face on the concrete floor. The officers then left her locked in the room, lying on the floor, causing severe emotional and physical distress.

As a result of this incident Ms. Boothe received numerous cuts, bruises and abrasions requiring medical attention.

Ms. Boothe's claims against the city include, but are not limited to 1) a violation of her civil rights under 42 U.S.C. § 1983; 2) assault and battery and; 3) intentional infliction of emotional distress based on the outrageous conduct of the officers

City of Atlanta  
November 15, 1999  
Page 3

involved. This notice letter represents Ms. Boothe's demand for damages, to the City of Atlanta and the Atlanta Police Department, for the injuries she suffered as a result of the officers' conduct.

Attached please find a copy of the Citizen Statement Ms. Boothe completed on May 24, 1999.

Please notify us whether the City desires to enter into good faith settlement discussions prior to our initiation of a lawsuit.

Sincerely,

  
Stephen T. La Briola  
FOR THE FIRM

Enclosure

cc: Ms. Susan Pease Langford (with enclosure)  
City Attorney  
68 Mitchell Street, Suite 4100  
Atlanta, Georgia 30335

Ms. Vickie Boothe  
Ms. Laurie E. Dugoniths, Esq.

00- *R*-0171

RCS# 1771  
2/21/00  
2:37 PM

Atlanta City Council

Regular Session

\*\*\*\*\*

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM  
CONSENT AGENDA

00-O-0122  
00-O-0123  
00-R-0202  
00-R-0020

00-O-0212 – Councilmember  
Boazman Abstained

\*\*\*\*\*

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 \*
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting  
ITEMS ADVERSE ON  
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

\* Councilmember Boazman  
abstained from voting on item 00-  
O-0212.